

Message Text

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S E C R E T STATE 080708

EXDIS - MILITARY HANDLE AS SPECAT EXCLUSIVE

USDOCOSOUTH FOR POLAD

FOLLOWING REPEATS ATHENS 2717 ACTION DEPT OF STATE INFO SECDEF
NATO JCS USNMR SHAPE USDEL MC USCINCEUR CINCUSAREUR CINCUSNAVEUR
CINCUSAFE APRIL 8TH

QUOTE

S E C R E T ATHENS 2717

EXDIS

MILITARY ADDEES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS
TAGS: MARR, GR, US
SUBJ: GREEK BASE NEGOTIATIONS: INITIAL MEETING OF
SUBGROUP OF SOFA QUESTIONS

REF: STATE 075036, ATHENS 2695

USNATO ALSO FOR DEPASSTSECDEF BERGOLD

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1. SUBCOMMITTEE ON STATUS OF FORCES MATTERS MET MORNING

OF APRIL 8 FOR TWO HOURS. GREEKS WERE REPRESENTED BY MR. ECONOMIDES, LEGAL ADVISER, FOREIGN MINISTRY, AND MR. CONSTAS, COUNSELOR. IT WAS AGREED THAT THE GREEK SIDE WOULD PRESENT ITS VIEWS AT APRIL 8 MEETING AND THAT US SIDE WOULD RESPOND ON APRIL 9. THE GREEK SIDE BEGAN THE DISCUSSIONS BY PRESENTING A HISTORICAL ANALYSIS OF DEVELOPMENT OF CURRENT STRUCTURE OF PRIVILEGES ENJOYED BY US PERSONNEL IN GREECE. ECONOMIDES THEN BROKE DOWN THE MATERIAL TO BE DISCUSSED INTO TWO AREAS: 1) PRIVILEGES, IMMUNITIES AND EXEMPTIONS DERIVING FROM AGREEMENTS SIGNED IN 1947, 1948 AND 1949 APPLYING TO AMAG, VOA AND ECA MISSIONS AND, 2) PRIVILEGES, IMMUNITIES AND EXEMPTIONS ENJOYED BY MILITARY FORCES UNDER THE 1953 MFA AND THE 1956 BILATERAL SOFA. ECONOMIDES SAID THAT IT WAS THE GREEK OBJECTIVE TO SUBMIT ALL PERSONS IN BOTH OF THESE CATEGORIES TO A UNIFORM COUNTRYWIDE STANDARD, WHICH WOULD BE THE 1951 NATO SOFA.

2. AS TO CATEGORY 1, ECONOMIDES OBJECTED TO THE FACT THAT CERTAIN MISSIONS, SUCH AS THE FORMER ECA, AND PRESENT JUSMAGG AND VOA PERSONNEL ENJOYED A SPECIAL LEGAL STATUS IN GREECE AND IN EFFECT WERE EXTENDED DIPLOMATIC PRIVILEGES, IMMUNITIES AND EXEMPTIONS. HE ASKED IF THESE SPECIAL STATUSES HAD BEEN ELIMINATED BY ADOPTION OF THE 1956 BILATERAL SOFA, AND WHEN INFORMED THAT THE 1956 AGREEMENT REPLACED PREVIOUS STATUSES ONLY AS TO MEMBERS OF THE US FORCE, CIVILIAN COMPONENT AND THEIR DEPENDENTS, HE SUBMITTED A DRAFT PARAGRAPH WHICH WOULD IN EFFECT APPLY THE 1951 NATO SOFA TO JUSMAGG AND VOA PERSONNEL. THE US SIDE POINTED OUT THAT THE NATO SOFA COULD NOT APPLY TO SUCH PERSONS SINCE THEY WOULD NOT BE COVERED BY THE DEFINITIONS OF "FORCE," "CIVILIAN COMPONENT," OR "DEPENDENT" IN THE NATO SOFA AND THAT THEREFORE THEY COULD DERIVE NO BENEFITS THEREUNDER. ECONOMIDES REPLIED THAT THD N TO SOFA WOULD BE APPLIED TO SUCH PERSONS "ONLY" BY ANALOGY." GREEK TEXT IS AS FOLLOWS: "THE AGREEMENT SIGNED ON JUNE 19, 1951 BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE LEGAL STATUS OF THEIR FORCES, SHALL ALSO BE APPLIED BY ANALOGY TO THE

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PERSONNEL OF THE UNITED STATES SERVING IN GREECE IN FURTHERANCE OF THE FOLLOWING AGREEMENTS: THE AGREEMENT CONCERNING AID TO GREECE OF JUNE 20, 1947, THE AGREEMENT CONCERNING UNITED STATES RELIEF ASSISTANCE TO THE GREEK PEOPLE OF JULY 8, 1947, THE AGREEMENT ON ECONOMIC COOPERATION OF JULY 2, 1948, THE AGREEMENT CONCERNING THE FUNCTIONING OF A RADIO BROADCASTING STATION IN THESSALONIKI OF AUGUST 12, 1949, AS WELL AS OTHER

POSSIBLE OR SPECIAL AGREEMENTS
WHOSE PROVISIONS CONCERNING
PRIVILEGES AND IMMUNITIES ARE ABOLISHED." THE US SIDE
RESPONDED THAT IT HAD COME PREPARED ONLY TO DISCUSS STATUS
QUESTIONS CONCERNING MEMBERS OF THE US FORCE AND WOULD
HAVE TO SEEK INSTRUCTIONS FROM HIGHER AUTHORITIES AS TO
THIS ADDITIONAL CATEGORY OF PROBLEMS. US SIDE WILL
INFORM GREEKS ON APRIL 9 THAT IT IS UNABLE TO ADDRESS
THIS ASPECT OF THEIR FAR-REACHING PROPOSAL.

3. ECONOMIDES THEN TURNED TO PRIVILEGES, IMMUNITIES, AND
EXEMPTIONS PERTAINING TO MEMBERS OF THE US FORCE. HE
OBJECTED THAT THE 1953 MFA AND THE 1956 BILATERAL SOFA
CONFERRED NUMEROUS PRIVILEGES, IMMUNITIES AND EXEMPTIONS
ABOVE AND BEYOND THOSE PROVIDED IN THE 1951 NATO SOFA.
HE EXPLAINED THAT THE GREEK POSITION WAS SIMPLY THAT THEY
WANTED ONLY THE 1951 SOFA TO APPLY TO ALL MEMBERS OF THE
US FORCE. HE STATED THAT THE 1956 BILATERAL SOFA COULD
BE ELIMINATED ENTIRELY AND THAT THOSE PROVISIONS OF THE
1953 AGREEMENT AND THE APPENDIX I DEALING WITH PRIVILEGES,
IMMUNITIES AND EXEMPTIONS SHOULD ALSO BE ELIMINATED. HE
OBJECTED IN PARTICULAR TO THE CRIMINAL JURISDICTION AND
WAIVER PROVISIONS OF THE 1956 BILATERAL SOFA,
OBSERVING THAT THEIR EFFECT WAS TO "REVERSE" THE
OBLIGATIONS IMPOSED BY THE NATO SOFA. HE SAID THAT
SINCE GREECE WAS NOT WAIVING JURISDICTION ANY MORE, THE
1956 AGREEMENT HAD LOST ITS RAISON D' ETRE AND COULD BE
ELIMINATED. THE GREEKS THEN TABLED A TEXT TO ACHIEVE
THEIR OBJECTIVE AS FOLLOWS: "THE LEGAL STATUS OF THE
MEMBERS OF THE FORCES OF THE UNITED STATES OF AMERICA IN
GREECE, OF THEIR CIVILIAN COMPONENT AND THEIR DEPENDENTS,
SHALL BE GOVERNED EXCLUSIVELY BY THE AGREEMENT BETWEEN
THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE
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STATUS OF THEIR FORCES, SIGNED IN LONDON ON JUNE 19,
1951."

4. SUBCOMMITTEE AGREED TO MEET AGAIN TOMORROW AT
WHICH TIME THE US DELEGATION WILL RESPOND ALONG THE
LINES OF EXISTING GUIDANCE.

5. COMMENT: ECONOMIDES POSITION WAS UNCOMPROMISINGLY
LOGICAL AND SIMPLE, AND HE HAD DONE NO PREPARATION
BEYOND THE CHAPTER ON US FORCES IN GREECE FROM HIS
RECENT BOOK ON DIPLOMATIC IMMUNITIES AND PRIVILEGES
(COPIES POUCHED ON MARCH 30 TO INTERESTED OFFICES IN
STATE AND DEFENSE). ALTHOUGH WORK OF SUBGROUPS WAS
UNDERSTOOD TO BE EXPLORATORY, THE US SIDE SPENT SOME
TIME AND EFFORT ATTEMPTING TO DEFINE THE PROBLEM AS

RELATED ONLY TO US FORCES AND NOT TO THE OTHER ELEMENTS
OF THE US PRESENCE IN GREECE. WE INTEND TO KEEP ECONOMICIDES
FOCUSSED, SO FAR AS POSSIBLE ON STATUS OF US MILITARY
FORCES, TO DIVERT ATTENTION FROM THE STATUS OF JUSMAGG
AND CIVILIAN PERSONNEL AS LONG AS POSSIBLE.
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